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Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Consultation Document

The Assembly Learning Grant (Further Education) Regulations 2010

Date of issue: **19 February 2010**

Action required: Responses by **16 April 2010**

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The Assembly Learning Grant (Further Education) Regulations 2010

Audience	Local authorities, further education institutions, higher education institutions, National Union of Students, Student Loans Company, other interested parties.
Overview	This consultation seeks views on the draft Assembly Learning Grant (Further Education) Regulations 2010.
Action required	Any comments which consultees might have on this document should be sent to the Welsh Assembly Government by Friday 16 April 2010 . Comments can be made in writing to the address below. Comments can also be made by e-mail to studentfinancedivision@wales.gsi.gov.uk
Further information	Further information about this consultation can be obtained by e-mailing: studentfinancedivision@wales.gsi.gov.uk or by writing to: Further Education and Vulnerable Student Branch Funding and Student Finance Division Welsh Assembly Government Cathays Park Cardiff CF10 3NQ
Related documents	The Assembly Learning Grant (Further Education) Regulations 2009 consultation document can be viewed at: www.wales.gov.uk/consultations The Assembly Learning Grant (Further Education) Regulations 2009 are available at: www.opsi.gov.uk/legislation

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The Assembly Learning Grant (Further Education) Regulations 2010

Summary

The Welsh Ministers are required to enact the appropriate secondary legislation on the form of the Assembly Learning Grant (Further Education) Regulations 2010 for each academic year.

This scheme aims to provide guaranteed financial support for eligible students in further education.

Enclosed is a schedule setting out the policy changes and technical amendments to the existing legislation which are proposed for the 2010/11 academic year.

Actual draft regulations have not been enclosed and changes to the existing Regulations have been kept to an absolute minimum.

Consultation Period

The consultation period ends on 16 April 2010. Responses to be sent to:

Further Education Branch
Funding and Student Finance Division
Welsh Assembly Government
Cathays Park
CF10 3NQ

Or by email to:

studentfinancedivision@wales.gsi.gov.uk

It should be noted that the responses to the consultation will be made public. Normally, the name and address (or part of the address) of the author are published along with the response. If you do not wish to be identified as the author of your response please state this in your response.

The Assembly Learning Grant (Further Education) Regulations 2010: Proposed Changes

1. The Assembly is required to enact appropriate secondary legislation in the form of the Assembly Learning Grant (Further education) Regulations for each academic year.
2. The draft Assembly Learning Grant (Further Education) Regulations 2010 provide support for students ordinarily resident in Wales taking designated further education courses in academic year 2010/11.

Student Support proposed Changes for 2010/11

3. The Assembly Learning Grant Further Education Scheme was first introduced in September 2002 with the aim of providing guaranteed financial support for the least well off eligible students in further education. The support is a means tested grant and is available to eligible students wherever they study in the United Kingdom.
4. Subject to the points which follow, it is proposed that the regulations will mirror the scheme in place for academic year 2009/10.

Eligibility Criteria - Residency

5. In general terms, the Assembly Learning Grant (Further Education) Regulations currently require all applicants to have been ordinarily resident in the United Kingdom for a three year period prior to the first day of the first academic year of the course.
6. There are exceptions to the above general rule, namely refugees and their family members; migrant workers and their family members; and those who have exercised a right of residence in another EU Member State. In the case of a refugee, he/she would be an eligible student for the purposes of the regulations if he/she is ordinarily resident in Wales on the first day of the first academic year of the course and he/she has been ordinarily resident in the UK since being recognised as a refugee. By way of further example, an EEA migrant worker is an eligible student where he/she is ordinarily resident in Wales on the first day of the first academic year of the course and he/she has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the 3 year period preceding that first day.
7. Persons with leave to enter or remain and their family members, namely, persons who did not qualify for refugee status but nonetheless have been granted leave to enter or remain by the Secretary of State for the Home Department (i.e. granted humanitarian protection or discretionary leave) are subject to the general rule described above. As such, they need to have been ordinarily resident in the UK throughout the three year period preceding the first day of the first academic year of the course.

8. The policy change that we are considering is whether the three year ordinary residence requirement should be removed for persons with leave to enter or remain and their family members.

Question 1:

Do you consider that the current three year ordinary residence requirement is appropriate for such persons?

Question 2:

Should persons with leave to enter or remain and their family members be classed as eligible students for the purposes of the regulations on the grounds that they are ordinarily resident in Wales on the first day of the first academic course and have been ordinarily resident in the United Kingdom since being granted such leave to enter or remain?